

FOR DISCUSSION ONLY

SUSTAINABLE WATER MANAGEMENT INITIATIVE - July 27, 2010

STREAM CATEGORIZATION DISCUSSION

From earlier discussions, there was general agreement that backsliding should be avoided. However, there was not agreement on whether improvement should be a goal, and if so, whether such a goal should be uniform across a class or specific to a particular subbasin. So, meant in the spirit of brainstorming and not as a proposal, what do you think of the following framework:

- 1) Develop a statewide goal of no back-sliding
 - a) What might this mean?
 - b) What principles might we consider?
 - c) How to ensure no backsliding (what do we have in place currently and what else might we need)?
 - d) How to address urbanization/impervious surfaces?
- 2) Develop basin-specific goals
 - a) What might the process be for developing and adopting goals?
 - b) What principles might we consider?
 - c) Would this be a revival or update of the Basin Plans (prepared by the Dept of Environmental Management for the Water Resources Commission)?
 - d) What might the mechanism for public involvement be and who would coordinate the process? WRC?

SAFE YIELD AND ALLOCATION POLICY DISCUSSION

1. **How should consumptive versus non-consumptive uses be addressed through the Water Management Act?**
(See excerpts of WMA regulations below.)

Allocation Exceeds Safe Yield, Consumptive Use Does Not		
Allocation (mgd)	Consumptive Use(mgd)	Safe Yield (mgd)
6	4	5

2. **How would we reconcile implementation of a long-term safe yield that could potentially be less than current allocation for a water source?** ("Water Management Act, Section 11: Issuance of permits conditions; findings - If the department finds that the combined volume of existing, permitted and proposed withdrawals exceeds the safe yield of a water source or that existing, permitted or proposed water withdrawals are otherwise in conflict, it shall deny all applications for permits for withdrawals from that water source.")
Should we consider using more than one methodology in determining safe yield? Should we consider:
 - a. August-based vs. annually-based safe yields for different water sources
 - b. Multiple (i.e. summer and winter-based) safe yields for same source
 - c. Safe yields that are scheduled to apply in the future (replacing some other safe yield) to direct improvements

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Water Management Act – Excerpts to Facilitate Discussion on Non-Consumptive Use

36.03: Definitions

Consumptive loss means that portion of a withdrawal which is estimated by the Department not to be discharged back to the basin from which it was withdrawn. The Department's estimation of the portion of a withdrawal considered to be consumptively lost to the basin shall be based upon the use to which the withdrawal is put and any interbasin transfer.

Nonconsumptive use means any use of water which results in its being discharged back into the same water source at or near the withdrawal point in substantially unimpaired quality and quantity.

36.05: Exemptions

Withdrawals of water that in the opinion of the Department constitute a nonconsumptive use are exempt from the need to file a registration statement or a permit application pursuant to M.G.L. c. 21G or 310 CMR 36.00. No registration statement or permit application shall include a withdrawal that has been determined by the Department to be nonconsumptive. Such uses include:

- (1) Diversions of surface water for hydropower generation provided the diverted water is returned at or near the withdrawal point and within the same water source in essentially unimpaired quality and quantity;
- (2) Any water withdrawal for which a Nonconsumptive Use Notification Statement is filed and accepted by the Department, in accordance with guidelines established by the Department.

36.26: Issuance of Permits

- (1) In reviewing a permit application, the Department shall consider at least the following:
 - (a) The water available within the safe yield as determined by the Department in 310 CMR 36.31. Only the consumptive loss to the water source attributable to the new withdrawal(s) shall be considered in determining whether the permit application(s) in any permit round exceed the safe yield of the water source;